



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,805	05/16/2001	Motoki Nakade	SON-2106	1551

23353 7590 01/05/2004

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,805

Applicant(s)

NAKADE, MOTOKI

Examiner

Cheryl Lewis

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 May 2001.

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-59 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-59 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Art Unit: 2177

DETAILED ACTION

1. Claims 1-59 are presented for examination.

PRIORITY

2. Applicant has complied and receives the benefit of priority of an earlier filing date under 35 U.S.C. 119(a-d) to Japanese Patent Application P2000-149099 filed May 19, 2000.

DRAWINGS

3. The applicants formal drawings filed on May 16, 2001 have been approved by the Draftsperson.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Dulaney et al. (Pat. No. 6,341,269 B1, filed December 30, 1999, hereinafter Dulaney).

Art Unit: 2177

6. Regarding Claims 1, 5, 29, and 33, Dulaney teaches a system, method and article of manufacture to optimize inventory and merchandising shelf space utilization.

The method and associated system for manufacture to optimize inventory and merchandising shelf space utilization as taught or suggested by Dulaney includes:

accumulating means for accumulating plural pieces of information corresponding to information on items (figure 1, elements 1.1-1.14, col. 4, lines 12-65), plural pieces of item attribute information (col. 7, lines 25-67, *'Item identifier, UPC Code for the item, SKU description or name...'*, col. 8, lines 1-67) corresponding to attribute information including selection standards (col. 9, lines 1-41, col. 10, lines 42-66) of the item information (figure 1, elements 1.1-1.14, col. 4, lines 12-65), plural pieces of space information (Abstract, lines 1-7 and 17-22, col. 4, lines 29-41 and 66-67, col. 5, lines 1-20) corresponding to information representing a space in which items are arranged (col. 6, lines 14-33, col. 9, lines 66-67, col. 10, lines 1-10), and plural pieces of space attribute information corresponding to attribute information representing selection standards of the space information (col. 11, lines 23-67); searching means for searching, in response to a request for specifying space attribute information (col. 9, lines 24-67, col. 10, lines 1-10), space information having space attribute information thus specified and item information having the same item attribute information (col. 15, lines 52-67, col. 16, lines 1-15) as the space attribute information (col. 15, lines 52-67, col. 16, lines 1-15) from the space information and the item information accumulated (figure 1, elements 1.1-1.14, col. 4, lines 12-65); calculating means for calculating (figure 1A, *'Increment Facings...Calculate IHC & LSC for this Number of Facings*

Art Unit: 2177

Calculate Space...Calculate IHC and LSC for Current Facings...Calculate Current Space Requirements'), on the basis of the item information and space information searched (col. 9, lines 24-67, col. 10, lines 1-10, col. 11, lines 41-67), item combination arrangement information representing the arrangement of the item information in the space information (col. 6, lines 14-33, col. 9, lines 66-67, col. 10, lines 1-10); transmitting the item combination arrangement information (Abstract, lines 1-22); and a terminal device for input information (Abstract, lines 8 and 9).

7. Regarding Claims 2, 6, 11, 16, 21, 30, 34, 39, 44, 49, and 55, the limitations of these claims have been noted in the rejection above. In addition, Dulaney teaches purchase information of items for an item record (col. 10, lines 60-67, col. 11, lines 1-39).

8. Regarding Claims 3, 7, 12, 17, 26, 31, 35, 40, 45, 50, 56, and 59, Dulaney teaches item record information having purchase information frequently recorded (col. 10, lines 11-27).

9. Regarding Claims 4, 8, 13, 18, 22, 27, 32, 36, 41, 46, 51, and 57, Dulaney teaches the regulated space means (col. 9, lines 63-67, col. 10, lines 1-10).

10. Regarding Claims 9, 14, 19, 24, 37, 42, 47, and 53, Dulaney teaches an item combination presenting device for presenting to a terminal device an item combination proposal (Abstract, lines 1-22, col. 1, lines 10-35), transmitting means for transmitting item information corresponding to information on items the combination of which the item combination presenting device presents (Abstract, lines 1-22), and item attribute information (col. 7, lines 25-67, *'Item identifier, UPC Code for the item, SKU description*

Art Unit: 2177

or name..., col. 8, lines 1-67) corresponding to attribute information representing selection standards of the item information (figure 1, elements 1.1-1.14, col. 4, lines 12-65); item combination includes first reception means (Abstract, lines 1-27) for receiving the item information and the item attribute information (col. 9, lines 1-41, col. 10, lines 42-66), accumulating means for accumulating plural pieces of item information and item attribute information received by the first reception means (figure 1, elements 1.1-1.14, col. 4, lines 12-65), plural pieces of space information corresponding to information representing a space in which items are arranged (Abstract, lines 1-7 and 17-22, col. 4, lines 29-41 and 66-67, col. 5, lines 1-20), plural pieces of space attribute information corresponding to attribute information representing selection standards of space information (Abstract, lines 1-7 and 17-22, col. 4, lines 29-41 and 66-67, col. 5, lines 1-20, col. 9, lines 1-41, col. 10, lines 42-66), searching means in response to a request for specifying space attribute information (col. 9, lines 24-67, col. 10, lines 1-10), space having space attribute information thus specified and item information having the same item attribute information as the space attribute information from the space information and the item information (Abstract, lines 1-7 and 17-22, col. 4, lines 29-41 and 66-67, col. 5, lines 1-20, col. 9, lines 1-41, col. 10, lines 42-66), calculating means on the basis of the item information and the space information (figure 1A, *'Increment Facings...Calculate IHC & LSC for this Number of Facings Calculate Space...Calculate IHC and LSC for Current Facings...Calculate Current Space Requirements'*), second reception means for receiving item combination information transmitted from second

transmitting means (Abstract, lines 1-27, and displaying the item combination information (col. 10, lines 43-67).

11. Regarding Claim 10, 15, 20, 25, 38, 43, 48, and 54, the limitations of this claim has been noted in the rejection above. In addition, Dulaney teaches the apparatus adds the item combination arrangement information thus calculated with item selling information for selling the item (col. 11, lines 23-67).

12. Regarding Claims 23, 28, 52, and 58, the limitations of these claims have been noted in the rejection above. In addition, Dulaney teaches determining a prioritized order of items (col. 7, lines 5-17, col. 11, lines 3-38) and items of a time based (Abstract, lines 18-19, col. 5, lines 23 and 37).

CONCLUSION

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Azcua et al. (U.S. Pat. No. 4,441,160) discloses a point of sale terminal having prompting display;

B. Robertson (U.S. Pat. No. 6,609,106 B1) discloses a system and method for providing electronic multi-merchant gift registry services over a distributed network;

C. Tone et al. (U.S. Pat. No. 5,596,493) discloses a method for classifying sale amount characteristics, method for predicting sale volume, method for ordering for restocking, system for classifying sale amount characteristics and system for ordering for restocking; and

Art Unit: 2177

D. Van Luchene (U.S. Pat. No. 6,223,163 B1) discloses a method and apparatus for controlling offers that are provided at a point-of-sale terminal.


NAME OF CONTACT

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

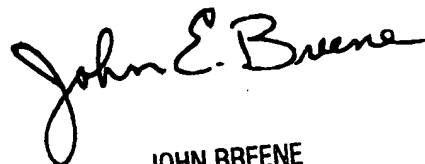
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis
Patent Examiner
December 28, 2003



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100